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I hereby certify that the foregoing Act, Senate File 2203 was published in The Altoona Herald-Mitchellville Index, Altoona, Iowa on May 20, 1982, and in The Advocate-Enterprise-Index-Reporter, Rockwell City, Iowa on May 13, 1982.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1257

ADJUSTMENTS TO APPROPRIATIONS

H.F. 2336

AN ACT relating to adjustments to appropriations for the 1981-1983 fiscal period, including provisions affecting the expenditure of funds and reversions and certain fees.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION 1

Section 1. There is appropriated from the general fund of the state to the Iowa commission for the blind for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of one hundred ten thousand twelve (110,012) dollars, or so much thereof as is necessary to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 1. It is the intent of the general assembly that the funds appropriated in this section be used to fund six staff positions in the library services program.

Notwithstanding section 8.33, unencumbered or unobligated funds appropriated by this section for the fiscal year beginning July 1, 1981 and ending June 30, 1982 shall not revert to the general fund of the state until June 30, 1983.

Sec. 2. There is appropriated from the general fund of the state to the department of public instruction for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of six hundred twenty-three thousand (623,000) dollars or so much thereof as is necessary to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 18.

Sec. 3. Notwithstanding section 8.33, not more than seven hundred ninety-eight thousand eight hundred eighty-one (798,881) dollars of unencumbered or unobligated funds appropriated in Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 9, for the fiscal

year beginning July 1, 1981 and ending June 30, 1982, that have been allocated by the state board of regents for fuel and electricity purposes for the institutions under the state board of regents may be carried forward and expended during the fiscal year beginning July 1, 1982 and ending June 30, 1983. The amount carried forward shall be used to supplement the amount allocated by the state board of regents for fuel and electricity in the fiscal year beginning July 1, 1982 and ending June 30, 1983. For the purpose of this section, twenty-one million, three hundred fifty-nine thousand nine hundred twenty-six (21,359,926) dollars of funds appropriated in Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 9, have been allocated by the state board of regents for fuel and electricity purposes in the fiscal year beginning July 1, 1981 and ending June 30, 1982.

Sec. 4. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the state board of regents for the specialized child health services program at the university of Iowa hospitals, six thousand seventy-five (6,075) dollars, or so much thereof as is necessary, to be used to replace the loss of federal funds to the phenylketonuria program. The funds appropriated in this section shall only be used to cover the cost of lofenalac required for treatment of phenylketonuria.

DIVISION 2

Sec. 5. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the state department of health for the health facilities division, twenty thousand one hundred thirty-five (20,135) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 4, subsection 2.

Sec. 6. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the state department of health for the licensing and certification division, eight thousand six hundred (8,600) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 4, subsection 5. Of the funds appropriated under this section, six thousand five hundred (6,500) dollars is appropriated to the board of physical and occupational therapy examiners and two thousand one hundred (2,100) dollars is appropriated to the board of mortuary science examiners.

Sec. 7. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 4, subsection 7, paragraph d, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall identify any homemaker-home health aide funds allocated to counties under this paragraph which the counties do not anticipate spending during the fiscal year ending June 30, 1982. If the anticipated excess funds to any county are substantial, the department and the county may agree to return the excess funds to the department. The department may reallocate the excess funds to counties whose allocations are substantially insufficient to pay for homemaker-home health aide services during the fiscal year ending June 30, 1982.

DIVISION 3

Sec. 8. There is appropriated from the general fund of the state to the department of environmental quality for the fiscal year beginning July 1, 1981 and ending June 30, 1982 the sum of thirty thousand nine hundred twenty-five (30,925) dollars or so much thereof as is necessary to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 12, section 9, subsection 1.

Sec. 9. It is the intent of the general assembly that the fee schedule required by section 455B.32, subsection 6, be implemented. The fees shall be deposited in the general fund of the state.

DIVISION 4

Sec. 10. There is appropriated from the general fund of the state to the Iowa beer and liquor control department for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of eighty thousand (80,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 6, section 2, subsection 3.

Sec. 11. There is appropriated from the general fund of the state to the insurance department of Iowa for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of sixty thousand (60,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 6, section 2, subsection 9.

Sec. 12. There is appropriated from the general fund of the state to the department of revenue for the fiscal period beginning July 1, 1981 and ending June 30, 1983 the amount of two hundred thirty-seven thousand five hundred (237,500) dollars, or so much thereof as is necessary to pay the attorney fees, witness fees, travel and other legal fees for three pipeline cases in litigation before the state board of tax review which involves valuation of property for tax purposes.

DIVISION 5

Sec. 13. Pursuant to section 2604 of the federal Omnibus Budget Reconciliation Act of 1981, one million six hundred thousand (1,600,000) dollars of this state's allotment of funds under the federal Low-Income Home Energy Assistance Act of 1981, section 2601, et seq., of the federal Omnibus Budget Reconciliation Act of 1981, is transferred within the special fund in the state treasury established under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3, for use and appropriation by the general assembly as authorized by the federal Social Services Block Grant Act, section 2351, et seq., of the Federal Omnibus Budget Reconciliation Act of 1981.

Sec. 14. There is appropriated from the special fund in the state treasury established by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3 from those federal social services block grant funds transferred from federal energy assistance funds under section 13 of this Act, for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services, the following amounts, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by the following designated portions of chapters of Acts of the Sixty-ninth General Assembly, 1981 Session:

Supplemental Appropriation from Low-Income Home Energy Assistance Act Funds transferred to the Social Services Block Grant Act Funds 1981-1982 Fiscal Year

1. For general administration under chapter 7, section 1	\$	99,800
2. For the division of field operations under chapter 7, section 2	\$	649,800
3. For home-based services under chapter 7, section 3, subsection 8, provided that the funds appropriated for home-based services under		

this subsection and Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 8, for the fiscal year beginning July 1, 1981, and ending June 30, 1982, may be used only for home-based services and shall not be transferred or used for any other purposes, notwithstanding section 8.39

\$ 7,400

4. For foster care under chapter 7, section 3, subsection 9

\$ 236,400

5. For community-based services under chapter 7, section 3, subsection 10

\$ 6,400

Sec. 15. There is appropriated from the special fund in the state treasury established by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3 from those federal social services block grant funds transferred from federal energy assistance funds under section 13 of this Act, for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services six hundred thousand two hundred (600,200) dollars, or so much thereof as is necessary, for allocation to the various districts of the department of social services for the purchase of local day care services and other local services for eligible individuals and for allocation to the various counties for local administration, under the fiscal year 1981-1982 state plan for use of the funds received under Title XX of the federal Social Security Act.

Sec. 16. The eligibility level for services under Title XX of the federal Social Security Act, also referred to as services provided with social services block grant funds, for the fiscal year beginning July 1, 1981, and ending June 30, 1982, shall not be reduced below forty-one and two-tenths percent of the federal median income as established in the fiscal year 1981-1982 state plan for use of funds received under Title XX of the federal Social Security Act.

Sec. 17. The appropriation from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services for general administration under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 1 is reduced by five hundred thirty-four thousand two hundred (534,200) dollars, which is in addition to the reduction of general administration funds released, deposited, and transferred under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17.

Sec. 18. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services for the division of field operations one million four hundred seventy-five thousand (1,475,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 2.

Sec. 19. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services for medical assistance nine million seven hundred thirty-five thousand (9,735,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2.

1. The medical assistance program established in Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, unnumbered paragraph 2, for those eligible children under twenty-one years of age shall be continued through June 30, 1982.

2. The maximum co-payments allowed by federal law or regulation shall be placed on all optional services under the medical assistance program. A fixed co-payment shall be

established for each optional service by computing the average or typical payment for each optional service. The co-pay requirement shall not apply to the services provided under the early and periodic screening, diagnosis, and treatment program and to services provided to recipients in hospitals, skilled nursing facilities, intermediate care facilities, intermediate care facilities for the mentally retarded, and state mental health institutes.

3. The medical assistance reimbursement rate for reserve bed days for intermediate care facility residents who are hospitalized or on a home stay shall be reduced from eighty percent to seventy-five percent of the allowable audited costs for those beds, which costs shall not exceed the maximum daily reimbursement rate for intermediate care facilities under the medical assistance program.

4. Medical assistance payments shall not be made for inpatient hospital services which can effectively and safely be performed on an outpatient basis.

5. Notwithstanding section 249A.4, subsections 1 and 9, medical assistance payments to hospitals, skilled nursing facilities, and intermediate care facilities shall be limited to the rate applicable to the lowest level of care medically required by the patient, including the rate for residential care facilities, rather than to the level of care for which the hospital or facility is certified to provide under the medical assistance program.

6. Notwithstanding section 249A.4, subsections 1 and 9, and Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, unnumbered paragraph 6, medical assistance payments for all mandatory and optional services, except for intermediate care facility services, intermediate care facility services for the mentally retarded, services provided to recipients in state mental health institutes, and medical transportation services other than ambulance services, shall be reduced by a factor of two and one-half percent. However, the two and one-half percent reduction shall not apply to the ingredient cost of prescription drugs or to hospital reimbursements.

7. Criteria for prior authorization of specified services under the medical assistance program shall be scrutinized to determine whether the current review process results in the most effective provision of needed services. If a change in the review process would be beneficial, the criteria shall be modified to change the review process or to subject additional services to prior authorization.

Sec. 20. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services for contractual services-medical carrier three hundred forty-eight thousand (348,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 3.

Sec. 21. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services for state supplementary assistance one hundred fifty thousand (150,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 6.

Sec. 22. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services for foster care one hundred four thousand (104,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 9.

Sec. 23. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services for community-based services eighty-five thousand (85,000) dollars, or so much thereof as is

necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 10.

Sec. 24.

1. The appropriation from the general fund of the state for the fiscal year beginning July 1, 1981, and ending March 31, 1982, to the department of social services for shelter cost assistance under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 4, is reduced by two hundred thousand (200,000) dollars.

2. The shelter cost assistance program established in Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 4, shall be continued through June 30, 1982, and the appropriation in Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 4 shall be available for the program through June 30, 1982. However, the eligibility criteria for the program need not be more restrictive than the criteria established by Title IV-A of the federal Social Security Act in effect on September 30, 1981.

Sec. 25. There is appropriated from the general fund of this state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services nine hundred seventy-three thousand (973,000) dollars, or so much thereof as is necessary, for supplementation of federal social services block grant funds and for allocation to the various districts of the department of social services for the purchase of local day care services and other local services for eligible individuals and for allocation to the various counties for local administration, under the fiscal year 1981-1982 state plan for use of funds received under Title XX of the federal Social Security Act.

Sec. 26. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 5, is repealed.

Sec. 27. The department of social services shall adopt administrative rules under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b relating to section 15, section 19, subsections 2 through 7, and section 25 of this Act, and may adopt administrative rules under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b relating to section 19, subsection 1 and section 24, subsection 2 of this Act, and the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules.

Sec. 28. Notwithstanding section 252B.4, if federal law or regulation requires the imposition of a fee on an individual who owes a support obligation for the support collection services provided under chapter 252B to a resident parent not otherwise eligible as a public assistance recipient, the commissioner of the department of social services shall charge the individual the fee required by federal law or regulation which may be in addition to the actual amount of support owed by the individual.

DIVISION 6

Sec. 29. There is transferred from the office of the treasurer of state to the account of the state historical department the balance of the life membership trust fund on June 30, 1981. The funds shall be expended as provided in section 303.9.

Sec. 30. For the fiscal years beginning July 1, 1981, and July 1, 1982, the Iowa department of justice may receive and there is appropriated, in addition to its appropriation from the general fund, not exceeding ninety-five thousand (95,000) dollars each year from damages awarded to the state or its political subdivisions by any civil antitrust judgment, for use in antitrust enforcement, if the judgment allows the funds received to be used for such purposes.

Sec. 31. There is appropriated from the general fund of the state to the Iowa merit employment department for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of seven thousand three hundred fifty (7,350) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 7, subsection 6.

DIVISION 7

Sec. 32. Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1095, section 22, is amended to read as follows:

SEC. 22. There is appropriated from the general fund of the state for the use of the Iowa railway finance authority for the fiscal period beginning July 1, 1980 and ending June 30, 1983 the sum of two hundred seventy-five thousand (275,000) dollars, or so much thereof as is necessary, to be used for salaries, support, maintenance and miscellaneous purposes and to establish and maintain the Iowa railway finance authority and its staff, to promulgate rules under chapter seventeen A (17A) of the Code and for planning purposes. ~~Section eight point thirty-three (8.33) of the Code shall not apply to the funds appropriated by this section. The funds appropriated by this section which are unencumbered and unobligated on July 1, 1982 shall be transferred to the railroad assistance fund and be available for the purposes provided in chapter three hundred twenty-seven H (327H) of the Code.~~

Sec. 33. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of three thousand nine hundred (3,900) dollars, or so much thereof as may be necessary, to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 14, section 1, subsection 1.

Sec. 34. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of one hundred thirty-one thousand nine (131,009) dollars, or so much thereof as may be necessary, to repay the United States government for overpayments received for intermediate care facility inspection.

Sec. 35. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 14, section 9, is amended to read as follows:

SEC. 9. All unencumbered or unobligated balances of funds remaining on June 30, 1985, from funds appropriated by subsection 2 of section 6 8 shall revert to the primary road fund on September 30, 1985.

DIVISION 8

Sec. 36. Matching state funds released due to federal grant reductions pursuant to the consolidation of federal categorical grants into federal block grants, and deposited in a special fund in the state treasury during the fiscal year beginning July 1, 1981 under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 4, are transferred to the general fund of the state.

The matching state funds released, deposited, and transferred under this section are portions of those funds appropriated for the fiscal year beginning July 1, 1981, and ending June 30, 1982, under the following Acts of the Sixty-ninth General Assembly, 1981 Session:

1. Chapter 7, section 1; section 2; section 3, subsection 8; section 3, subsection 9; and section 3, subsection 10; and

2. Chapter 5, section 6, subsection 1.

Sec. 37. Matching state funds released due to federal categorical grant reductions and deposited in a special fund in the state treasury during the fiscal year beginning July 1, 1981 under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 5, subsection 5, are transferred to the general fund of the state.

The matching state funds released, deposited, and transferred under this section are portions of those funds appropriated for the fiscal year beginning July 1, 1981, and ending June 30, 1982, under the following Acts of the Sixty-ninth General Assembly, 1981 Session:

1. Chapter 7, section 1; section 2; section 3, subsection 1; section 3, subsection 2; section 3, subsection 3; section 3, subsection 4; and section 3, subsection 9;
2. Chapter 10, section 7, subsection 5, paragraph a; section 7, subsection 8, paragraph a;
3. Chapter 12, section 9, subsection 1; section 12, subsection 2, paragraph c; and
4. Chapter 8, section 8, subsection 4.

Sec. 38. This Act, being deemed of immediate importance, takes effect from and after its publication in *The Daily Iowan*, a newspaper published in Iowa City, Iowa, and in *The Sioux City Journal*, a newspaper published in Sioux City, Iowa.

Approved March 12, 1982

I hereby certify that the foregoing Act, House File 2336 was published in *The Daily Iowan*, Iowa City, Iowa on March 18, 1982 and in *The Sioux City Journal*, Sioux City, Iowa on March 18, 1982.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1258

CRIMINAL JUSTICE AND VICTIM REPARATION PROGRAMS AND APPROPRIATIONS

H.F. 2493

AN ACT relating to criminal justice programs by imposing a ten percent penalty assessment surcharge on certain fines and forfeitures, establishing a crime victim reparation program, striking certain references to a criminal justice improvement fund in Acts of the Sixty-ninth General Assembly, 1981 Session, and making appropriations to certain departments for criminal justice programs, and a victim reparation program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **CRIMINAL PENALTY SURCHARGE ESTABLISHED.** A criminal penalty surcharge shall be levied against certain law violators as provided in section 2 of this Act. The surcharge shall be deposited as provided in section 3 of this Act and shall be used for the maintenance and improvement of criminal justice programs, law enforcement efforts, victim reparation, crime prevention, and improvement of the professional training of personnel, and the planning and support services of the criminal justice system.

Sec. 2. NEW SECTION. **TEN PERCENT SURCHARGE.** When a court imposes a fine or forfeiture for a violation of a state law, or of a city or county ordinance except an ordinance regulating the parking of motor vehicles, the court shall assess an additional penalty in the form of a surcharge equal to ten percent of the fine or forfeiture imposed. In the event of multiple offenses, the surcharge shall be based upon the total amount of fines or forfeitures imposed for all offenses. When a fine or forfeiture is suspended in whole or in part, the surcharge shall be reduced in proportion to the amount suspended. This section applies only with respect to criminal actions commenced on or after July 1, 1982.